G. R. S. IX-5]

Previous references.

File No. 115-19

1919.

(Cts)

Serial Nos. 1, 2, 3, 9, 11, 12, 13,

Later references.

P

GENERAL AND REVENUE SECRETARIAT.

P.66 K.C.

Serial Nos. Seven

Part B for Febry. 1920.

SUBJECT.

Postponement of the execution of the Sentence of death passed on one Venkataraya, in K.C.S. no 12 of 1918-19.

8(13) To the Govt. Advocate in Mysore.

No. 250 Dy 4th Feb 20.

Sir, For information, a copy of the final order passed by the Chief Court re: the transfer of C.C. no. 66 of 1917-18 & 68 of 18-19 on the files of the 1st class Magistrates of Chickballapur & Kolar Sub-Divn respectively.

W D 1250—GPB—30,000 - 28-1-19

B-Subbarao 30/3.

(For Disposal by Circulation.)

No. C. 301
1919-20.

GENERAL AND REVENUE SECRETARIAT.

Council Matter.

SUBJECT.

(Clause vi of the schedule)

Memorial of one Venkataraya sentenced to death for mercy.

CIRCULATED TO THE MEMBERS OF COUNCIL.

By Order,

C S Balasundaram Jr
Chief Secretary to Government.

30th November 1919.

Extraordinary Member of Council.

3582-30.
2.12.19.

First Member of Council. opinion recorded
Rel
4.12.19.

2656
30-11-19

Second Member of Council. Opinion recorded
1/12/19

Third Member of Council. Opinion recorded.

G. R. S. III—1] 1919.

GENERAL AND REVENUE SECRETARIAT.

(Courts)

NOTES.

File No. 115 —19

FILE HEADING.

Postponement of the Execution of the Sentence of death passed on one Venkataraya in K. C. S. no. 12 of 1918-19

From The Dt. magistrate, Kolar District

No. R. Dis. 729/1919 Dated the 15th Nov 19 Received on 17-11-19

Diary No. 7797	Enclos. 1 Spare Copies. nil	Serial No. 1

BRIEF ABSTRACT OF LETTER.

Requests to move the Govt. for orders to stay the execution of the accused Venkatraya who is reported to be in the Central Jail under Sentence of death passed in K.S.C. no. 12 of 1918-19, for reasons mentioned therein.

NOTES AND ORDERS.

1) A copy of the Confession Statement is also forwarded. It seems ~~there was no ground for granting the stay order prayed for~~ Submitted for orders.

KR 17/11/19

2) It is ascertained from the Chief Court that the date of execution of the sentence has been fixed for 27.11.19

Add 19/11

NOTES—First Sheet.

(2

G. R. S. III-2.

General and Revenue Secretariat. | C5 File No. 115 of 1919.

Serial No.

3) Forwarded U.O. with compliments to the Govt. Advocate for favour of opinion.

B. W
Dhanadwaya
Dy Chief Secy
15/11/19.

U.O. No. 34/1919-2
12.1.1919

4) Section 30 of the Indian Evidence Act permits - the confession of any accused person affecting himself and some other of such persons jointly tried -- with him being taken into consideration as against - such other persons also as well as against the person who makes the confession.

5) If, therefore, the convict under sentence of -- death who happens to be one of the accused persons in the 2 cases under reference, is tried jointly - with the other accused persons, his confession will be taken into consideration as against the other accused also and if the incidents narrated in the confession are also materially corroborated by other -- evidence, such confession would be of very great value to the prosecution.

6) If Government do not therefore consider the postponement of Execution of the sentence of death otherwise objectionable, I am of opinion that the request of the District Magistrate may be acceded to.

NOTE—Contn. sheet.

There

G. R S. III-2]

General and Revenue Secretariat. | C5 File No. 115 of 1919.

Serial No.

2.

7) There is, besides, the other point referred to by him, viz., that the convict has applied for mercy and for a commutation of sentence.

8) As observed by the District Magistrate in his letter, he has sent the records of the other 2 cases to me with a request that an application might be made to the Chief Court for a transfer of the case. This cannot be done independently of instructions from Government.

9) If, therefore, Government feel inclined to direct the postponement of the sentence of death, necessary instructions may also be issued to me to apply to the Chief Court for a transfer of the cases under reference.

R Khambata Esq Bl
Govt Advocate
18/4/19

10) Submitted with two drafts as per personal instructions of the Asst Secretary.

18/4/19

11) The accused himself says he is not to be examined as a witness but the said gentleman will mean and it is believed that his confessional

NOTE—Contn. sheet.

G. R. S. 12]

General and Revenue Secretariat.

05 File No. 115 of 1919

Serial No.	
	Statement. Magn used against these accused. But there is no guarantee that the accused will make a confessional statement and if he does not, doubts may be cast upon the correctness of the original confession — It is not desirable to postpone the case for the evidence to be recorded.
	12) Has the accused been asked to put up a petn for mercy as stated in the D.C's letter? If so, the same may be put up.
21/11/19 19.11.19	19/11
	13) Attorney above by Registrar
2	From the Registrar, Chief Court of Mysore No. 451 of 18th Nov 19.
	Forwards a memorial addressed to His Highness the Maharaja by Venkataraya accused in Bangalore Sessions Case no 12 of 18-19 and Confirmed by the Chief Court in C. A. no 7 of 19-20 together with entire record of the case.

NOTE—Contn. sheet.

GIL—65,000—17-6-12.

G. R. S. III-2]

General and Revenue Secretariat. | C. File No. 115 of 1919.

Serial No.

14) The petitioner was tried and convicted on a charge of murder under S. 302 I.P.C. in Bangalore Sessions case no: 12 of 1918-19 in the Court of Session, Bangalore division; and he was sentenced to death. The Chief Court upheld his conviction for murder and also confirmed the sentence of death passed upon him in Criminal Appeal no: 7 of 1919-20 & Criminal Reference case no: 1 of 1919-20 on the file of the Chief Court.

15) He has now submitted a memorial on the ground of innocence praying for re-trial on various grounds for mercy stating, among other things, that his statements were not properly recorded in the lower courts, that he gave no statements, that they (courts) recorded them just as they liked & that his request for a transfer of the case to another court was not considered.

16) His request for re-trial has no force & is not maintainable and cannot be granted. Nor is there any foundation for the allegation that his statements were not

NOTE—Contn. sheet.

G. R. S. III-2]

General and Revenue Secretariat. | C. File No. of 191?.

Serial No.

properly received in the lower courts, is fully disproved by the records and page 7 of the judgt. of the Chief Court shows that the judges themselves questioned the petr. whether he had any representation to make in addition to the arguments of the Standing Counsel & that the petr. repeated the statements he had made before the Sessions judge.

As regards the guilt of the accused it seems to have been established beyond the shadow of a doubt. The identification of the petr. by Chikka Munè (P.W. 25), daughter of the deceased Somappa, the evidence of witnesses proving that some of the properties of the deceased Somappa were found with the petitioner or with persons to whom he had given them, shortly after the murder, the discovery of some of these articles on information furnished by the petr., the pointing out by the petr. himself of the hammer art. no: 21 with which he is said to have dealt fatal blows to the deceased persons, and the presence of

NOTE—Contn. sheet.

G. R. S. III-2]

General and Revenue Secretariat. | Cr. File No. 45 of 1919.

Serial No.

Stains of mammalian blood on the hammer as disclosed by Chemical examination are circumstances which seem to fully negative the theory of innocence raised by the petr. The opinion of the assessors is against the petr, and the fact that the evidence establishes an irresistible inference of his guilt is distinctly stated in para 4 of the petrs memorial.

18) There are no extenuating circumstances in favour of the memorialist, and the Chief Court Judges are of opinion that his career has been one of hardened & reckless criminality and that his prolongation would be a danger to society.

19) There seem to be no good grounds for mercy

20) Submitted for orders

D. M. 20/11

Chief Secy

21) Commit case

2506 21-11-19

22) 2nd member

CBK 21/11/19

23) I do not like to interfere upon these

Schedule matter cl: vi

NOTE—Contn. sheet.

G. R. S. III-2]

General and Revenue Secretariat.

C.S. File No. 15 of 1919.

Serial No.

Case under Income tax Act in which Income tax Inspector is concerned & Dept.

2) Case should be submitted to 3rd Member.

22/11/19

3) 3rd member)

1868
24/11/19

22/11/19

22/11

4) I think that in case stones have been substituted for bones as the Dewan in the first instance.

5) However as the 2nd member has requested it to me. I have fixed hearing in person; and I am of opinion that there are no Extenuating Circumstances in favour of the memorialist which would justify the remission of his sentence.

6) It is a petty case Sathankulam. Who supplied the bones for the commission of the Homicide murder stones have become liable to extreme penalty of the Law.

24/11/19

7) Maybe dealt with by circulation

Dewan's Opinion 25/11/19

Dewan 26/11

26-11-19

C.S. circulate

DEWAN'S OFFICE.
Recd. on NOV 26 1919
No. 3671

NOTE—Contn. sheet.

G. R. S. III-2]

General and Revenue Secretariat. | File-No. 5 of 1919.

Serial No.

31) I agree. But this was no need on this part of the 3rd member to make this observations contained in the 1st para of his note. If he decided his proper course, he could have returned the file then & there & should not have delayed further orders of the Govt. My object in requiring the file of the 3rd member was to avoid delay as I feared that in any case the file should have gone to the Govt. being a Council case & the 3rd member was as much entitled to note upon it as myself and I passed on the file to him in due course without noting upon it myself for the reasons already stated.

Secy
1/12/19

32) I have gone through the papers & it does not appear to me that any case for intervention has been made out. No extenuating circumstances are seen & the deed appears to have been committed in a deliberate manner. The grounds on which the appeal for mercy is based, are in my opinion, not maintainable

Secy
4.12.19

NOTE—Contn. sheet.

G. R. S. III-2]

General and Revenue Secretariat. | File No. | of 191 .

Serial No.

33) Please (such a D.F.N. & D.S.N.

D. M.
5/12

34) Submitted with a D.F.N and a D.S.No as per orders above

KR
6/12
6/12/19

35) Please put up clean Draft

D. M.
10/12

36) Typed Copy of the draft Final note is put up.

Submitted

KR
10/12/19

II Member

37) Send with D.F. file

D. M.
10/12

38) Opps.

10/12

39) Final Note signed by the members is put up.

W. 22/12

40) D.S.N. Submitted?

Dewan

22/12/19

D. M.
23/12

2844
10-12-19

DEWAN'S OFFICE.
Read. on DEC 23 1919
Reg. No. 4284

NOTE—Contn. sheet.

Final Note by the Second Member of Council.

Subject:- Memorial of Venkataraya alias Venkataraju praying for the remission of the sentence of death passed on him by the Sessions Judge of Bangalore.

In the months of July and August 1918 there were a series of house-breakings with murder in the Taluks of Hoskote and Anekal in the Bangalore District and Malur in the Kolar District. One of these occurred at the village of Ummalu in the Hoskote Taluk on the night of the 6th July 1918. The house of one barber Sonnappa was entered into and property consisting of cash amounting to about Rs.300/- and some jewels was taken away after the inmates Sonnappa, his daughter and another woman were most brutally assaulted to death by the robbers. The petitioner, Venkatraya, and another Sadhu Venkata were arrested and charge-sheeted by the Police. They were committed to the Court of Sessions and tried in Sessions Case No. 12 of 1918-19 of the Bangalore Division. The Sessions Judge convicted both the accused of the offence of murder and robbery and sentenced each of them to death on the former charge. On appeal, the Chief Court have confirmed the sentence of death passed on the petitioner Venkatraya and in the case of the second prisoner Sadhu Venkata have set aside the conviction for murder and confirmed the conviction and sentence of rigorous imprisonment for seven years for an offence under section 397 Indian Penal Code.

2. The petitioner has now put in an application for mercy upon the ground that the Sessions Judge who tried the case was prejudiced against him and that he did not make the confessions upon which his conviction is based.

3. In his confessional statement before the Committing Magistrate the petitioner frankly admitted his guilt, while in the Court of

(132)

Sessions and in the Chief Court he attributed the principal part in the murders to his ~~confederate~~ associate, Sadhu Venkata-the second accused in the case. Both the Sessions Judge and the Chief Court see no reason to believe this later statement in which also the petitioner implicated himself as much as the second accused.

4. In confirming the conviction and sentence, the Chief Court have remarked: "The guilt of the first accused Venkatraya has been quite clearly established and there are no extenuating circumstances of any kind in his favour. His confessional statements show that his career, comparatively short as it is, has been one of hardened and reckless criminality and that its prolongation would be a danger to society."

5. In view of the circumstances explained above it is proposed to reject the petitioner's memorial.

6. The proposal has been agreed to by the other Members of Council and the Dewan and may be approved.

Mir Alimuzzam Hussain

MEMBER OF COUNCIL.

22nd December 1919.

(12

Submitted to His Highness.

41) I submit herewith a Final Note by the Second Member of Council on the subject, viz., memorial of Venkataraya alias Venkataraju, praying for the remission of the sentence of death passed on him by the Sessions Judge of Bangalore, for His Highness' gracious approval.

P Raghavendra Rao
26.12.19

7999

(1)

Record of Cases submitted for the Orders of His Highness the Maharaja

Subject.

43) Memorial of Venkataraya alias Venkataraju praying for the remission of the sentence of death passed on him by the Sessions Judge of Bangalore.

705

Order.

44) ~~KRM~~
31/1/20

45) Ch. Ler
Ler

4.1.20

As Hzey

46) Draft please at once
Hzy
6/1/20

47) To-day by 5 P.M. please
P.M.
6/1

6/1

G. R. S. III-2]

General and Revenue Secretariat.

Ch File No. 115 of 1919.

Serial No.

45) Submitted with necessary drafts, as per orders above.

12/1 4.30pm 6.1.20.

Chief Secy

D.M. 6/1

49) For signature

Devan

1893 6/1/20 D.M. 12/1

12.1.20 SD

D.M. 12/1

3 To

The Registrar, Chief Court of Mysore.

No. R. 15952/Ch 115-19-3 & 13-1-1920

Informs that ~~Government have~~ His Highness the Maharaja rejected the Memorial submitted by Venkat

9 From

The Govt. Advocate, Mysore.

D.O. No. 45 & 26-1-1920

States that the Chief Court cannot h suspend the sentence & requests Govt. sanc

10. From

The Superintendent, Bangalore Central Jail. D.O. & 26-1-

States that the 27 th inst. had been fix for the execution of Venkata Raya & th the Reprieve has been suspended vide orders of the Chief Court.

This was not received from the Govt. Secy in the Branch & hence not in the file. Subsequently too, it was not found.

NOTE—Contn. sheet.

DEWAN'S OFFICE.
Recd. on JAN 12 1920
Regn. No. 4653

(16

G. R. S. III-2]

General and Revenue Secretariat.

Ch File No. 17 of 191?

Serial No.

Para 11 -

Flag x in the Limbo file

51) Kind reference is invited to the orders of the II Members of 19th Nov 19 on this point. It is not known how long it will take for both the cases to be begun & closed, and it is perhaps not desirable to suspend the execution of the prisoner who has been condemned. A draft reply stating that Govt do not propose to issue orders as proposed by the Govt Advocate (who is sent up for appl or orders

D. M. 26/11

Chief Sec?

52) I submitted the case to the Dewan in person as the matter was very urgent & took his orders (the 2nd member not being in the office). The Dewan was of opinion that it was not desirable to postpone execution of the sentence in the cases. The Govt advocate will be informed accdly & asked to withdraw the appln for transfer.

53) The Dy. Kolar may be asked to proceed with the cases against the other persons in due course.

CDS 26/11/29

54) D. M. 26/11

NOTE—Contn. sheet.

(17

1335

G. R. S. III-2]

General and Revenue Secretariat.

Ch File No. 115 of 1919.

Serial No.	
11	To the Government Advocate in Mysore D.o. no. S. 1720/ § 26-1-1920. States that Government are not desirous of suspending the execution of sentence of death passed on Venkatarayappa & requests to withdraw the application for transfer of the Case. Submitted with a draft, as per orders in para 53 above. 27/1/20 The file is submitted for information II Member. Draft to D.M. Kolar. Seen. 28/1 D. M. 27/1
	3731/29-1-20 I agree. Letter to G.A. Mys. D. M. 30/1
12	To The District Magistrate, Kolar. No. S. 1771 I § 2nd February 1920. States that it is unnecessary to transfer the case & directs that arrangements may be made to proceed with the cases against others in due course.
13	From, The Government Advocate in Mysore No. 250/ En/ order § 4th Feb'y 1920 recd on 6-2-1920. Forwards, for information, a Copy of the

We may be given when the file is received back from the Member.
D. M. 1/

NOTE—Contn. sheet.

G. R. S. III-2]

General and Revenue Secretariat.

Cb File No. 115 of 1919.

Serial No.

Order passed by the Chief Court re: the transfer of C. C. nos 66 of 1917 & 168 of 1918 from on the files of the 1st Class Magistrate of Chittagong & Feni Sub Divisions respectively

The application is rejected by the Chief Court for reasons stated therein.

Submitted for perusal & information.

7/5/1919

I intimated this to the II Member by Telephone within half-an-hour after the order of the Chief Ct.

D. M. 11/5

9-MAY 1919

NOTE—Contn. sheet.

Office of the District Magistrate,
Kolar District.
Dated Kolar, the 15th November 1919.

From

Md. Zahiruddin Mecci, Esquire, B.A.,
District Magistrate, Kolar District.

To

C. S. Balasundaram Iyer, Esquire, B.A.,
Chief Secretary to the Government of
His Highness the Maharaja of Mysore,
Bangalore.

Sir,

I have the honor to request that you will be so good as to move the Government for orders to stay the execution of accused Venkataraya who is now in the Central Jail under sentence of death passed by the Sessions Judge, Bangalore Division, in Sessions case No: 12 of 18-19 on the file of his Court, under the circumstances explained hereunder.

The said Venkataraya is the Chief accused in two cases of murder Nos: 66/17-18 and 68/18-19 on the files of the First Class Magistrates of Chikballapur and Kolar Sub Divisions respectively. As according to the Jail Manual, he cannot be taken out of Bangalore for trial in any other case, a reference was made to the Hon'ble the Chief Court in Mysore in this office No: J.C. 729 dated 18th April 1919 with a request to have the cases transferred to the file of the Special First Class Magistrate, Bangalore, and as per ~~decision~~ desire of the Registrar of the Chief Court of Mysore, the records in the above cases were submitted to the Hon'ble the Chief Court by the First Class

Magistrates

GPB—30,000—17-9-15

From

The District Magistrate,
Kolar District.

12935

To

The Chief Secretary to the Government
of His Highness the Maharaja of
Mysore, Bangalore.

Dated the 15th November 1919

Despatched

Received 17 NOV

General No. Apl 729
No.

Enclosure No. C. No 1

Requesting him to move the Government for orders to stay the execution of Accused Venkata who is now in the Central jail under sentence of death passed by the Sessions Judge in K.S.C. no: 12 of 1918-19.

CHIEF PROTECTION 17 NOV 1919

concerned. The Registrar has now returned the records to my office with his No: 430 dated 10th November 1919, with instructions that the Government Advocate may be addressed to move the Hon'ble the Chief Court by an application for the transfer of the above said cases. I have accordingly placed myself in communication with the Government Advocate in the matter to get the cases transferred to some Court in Bangalore City. The enquiry in the above cases in which some more accused are concerned and who have been in custody for a long time has been pending till now, owing to the difficulty in securing the presence of Venkataraya at their trial, as he was himself being tried for other cases in the Bangalore Sessions. As the said Venkataraya has made a clear confessional statement, implicating the other accused persons, (copy of which is attached for ready reference) and as it seems absolutely necessary to have the said Venkataraya, the chief accused tried along with the others, I request you to kindly obtain the early orders of Government in the matter of staying the execution of the said Venkataraya till the disposal of the above cases, in as much as it would be extremely prejudicial to the Prosecution to proceed with these cases without him. These cases may not take more than 3 months in all. I am given to understand that this Venkataraya has now applied to the Government of His Highness the Maharaja of Mysore for mercy.

I have the honor to be,

Sir,

Your most obedient servant,

District Magistrate,
Kolar District.

V.V.R.

Exhibit P. 13.

In the Court of the Personal Assistant and First Class Magistrate.

Name of accused:	Venkataraya.
Age.	Says that he is 18 years old.-- Looks to be 20 years old.
Race.	Bhatta Raju.
Religion.	-
Father's name.	Mallayya.
Resident of -	Rapurhalli attached to Rangsandra Thippasandra Hobli, 30 Madanapalli Taluk.
Occupation.	Agriculture.

Question: What are you come here for?

Answer: I have come to get my statement recorded.

Q. Are you going to make a voluntary statement or you going to make a statement tutored by anybody

A.- No Sir. I shall make a statement of my free-will. I am not going to listen to what one says. I am not going to give up my own say. I do not say anything through fear. I shall say what actually has transpired. I shall say what I have done.

Q. If it be so, say what you have to say.

A. I have already got recorded all about my life since the time of my birth. Shall I continue it from there or shall I narrate only the facts in connection with the cases in which I took part.

Q. You may do as you please. You need not make any statement on account of fear or compulsion.

A. I was born in Rapurhalli. I went to Kodahalli when I was about 7 years old. From there I went to Mysore palace and took up service by watering flowers plants in Karikall Thotti for 3 years

for wages. I was dismissed as I was on search found of a match box and a bundle of "beedi". I then returned to Kodahalli and from there I went to Rapurhalli. I was keeping a girl named Subbi of Banajigar caste. Her husband Subba having come to know of this placed a black coat and a lace turban on my person, concocted a false case of theft against me and got me convicted for three months. After the expiry of the term of imprisonment I returned to my house and was attending to agricultural work. Thereafter myself and 4 other persons jointly committed theft in ---- Beerangihosakote. In that case I was convicted for 6 months. Thereafter I settled myself in the house of Ryalapet Venkatarappa of Nandara Hosahalli, Sidlaghatta Taluk. One Narayanappa was keeping his (Ryalapet Venkatarayappa's) elder sister Akkaiyya. This Narayanappa was in possession of Venkatarayappa's lands. One day Venkatarappa consulted me in the matter of taking back of possession of the said lands. He said to me "Somehow Narayanappa should be murdered. I shall supply you with men. You should jointly murder him." I then questioned him why. He replied "he has appropriated my lands. If he is murdered somehow and if I get back possession of the lands, I shall give you one-half of the said land and get it (patta thereof) registered in your name. He then sent with me Mittapalli PattaramRama and Gurampalli Kadariga. We three were waiting on the way leading to Sidlaghatta. Narayanappa was going to attend a toddy sale which was to take place in Sidlaghatta Cutcheri. We were waiting for him in a separate place on a previous occasion. We did not find it convenient there. On the day Narayanappa was going to Sidlaghatta he was going alone on horse back. By

that time we came near Kundalagurki. He also happened to come there. We let him go in advance and we went to a cloth merchant in the choultry to chat with him. We went there so that he may go in advance. We then followed him. There is a jungle there but he was not found there. He had gone farther. We then ran farther. There is another jungle and there also he was not found. He was found going at a distance of about half a mile on this side of Sidlaghatta. Kadariga hurled Narayanappa down from the horse back. Then Rama covered Narayanappa's face with a cloth. Till then I was standing at a distance thinking that he might identify me. After he covered his face I went near. We then carried Narayanappa to the trunk of a banyan tree which is beyond the path way. Kadariga held his legs. Rama held him fast by his hands and his tuft of hair. They gave me a sickle and I cut Narayanappa's trachea with it. It went a little deep and then began to bleed. On seeing it we got afraid and let him go. Then Narayanappa got up, snatched away the cloth on my head, pressed it over the wound and was going on his way. He walked a distance of about a chain and then dropped to the ground. We saw it and ran away. It was then about 2 P.M. From there we went to Sidlaghatta Cutcherri, sent for Venkatarayappa who was there and gave him the information. Narayanappa had Rs.10 with him and Kadariga snatched it away from him when he held him fast. I got it delivered to Venkatarayappa. -- Venkataraya ppa then asked us to go away somewhere for 3 days Kadariga had not come to the Cutcherri. I took the rupees from him and handed them over to Venkatarayappa. Myself and Rama had been to the Cutcherri. Venkatarayappa gave us one rupee for our expenses. We were wandering about here and there. I went to Mandana Hosahalli after 3 days. It was rumoured there that Narayanappa had been murdered and I came to know of it. Venkatarayappa had been keeping a certain

woman. Akalu Venkatasami's son Sampangi also has been keeping her. This gave rise to a misunderstanding between Venkatarayappa and Sampangi. Sampangi and Narayanappa were on good terms. He caused a report to be submitted against Venkatarayappa. Venkatarayappa came to know of this. He then said to me "You had better not remain here. Go somewhere. I shall undergo anything that may happen to me." I then left that place and went to Chintamani. Vyala and Sadu Venkata had come to the Shandy there. I was acquainted with them. I went with them to Marabandahalli. There I got a "Padi" of rice from Sadu Venkata cooked my meal and partook of it. Thereupon I went on a certain day to see Nandana Hosahalli. Sadu's son Thimma, Sadu's younger brothter Munisami and Vyala accompanied me thither. It was then Burudugunta Jatra time. We went there with the idea of attending that Jatra. When we came near Nandana Hosahalli we came to know that that Jatra would not take place. There is a village there known by the name of Seegalugudda. I have got some acquaintances there. I went there and got meal for these persons. Those who are acquainted with me there said to me "Do not go to Nandana Hosahalli. The Police have seized Venkatarayappa on the ground that he murdered Narayanappa. He has throuwn the blame on you." We then returned to Chintamani in the evening. Nanji was there. I was keeping her. We went to her house that night, took our meal and slept there. At about midnight Sadu's younger brother Munisami took Nanji's tin case containing jewels. The following day he informed me of it after we came out of the village. I was afraid as I had committed murder and so I did not go back and get the jewels delivered to Nanji nor did I take them. The said tin case contained one "Chowli" one "Jadi Bille" on e "Addike" one pair of "volays" and one pair of "jumki". It also contained two "Moogabattu" and two "Minchu". From there we went to Marabandahalli.

I remained in Sadu Venkata's house alone. Munisami handed over the jewels to Venkata who sold them away. Thereupon Sadu Venkata took me from village to village for the purpose of committing theft.

x x x x x

The next morning I went to Lingapur. There I informed Vyala of all that took place, He said" never mind," come and took me to the house of Jagannatha in Marasandra near Malur. We remained there for eight or ten days. He took me saying "let us go into the town of Malur and come". When we went near that village he said "thereis a mutt here; there is money in it; let us commit theft of it." Myself and Sadu Venkata had once been there to see the mutt. We entered into the mutt compound and sat near a heap of fuel. It was night time. I got up at 10 P.M. and removed with a stick the wooden cross bar that had been put across the door. The door was then opened. When I went in and lighted a lamp, an old man got up. Then Vyala gave him a blow with the back of an axe. I looked into the boxes and removed the money &c. We gave the jewels and cash to Jagannatha. Vyala told me to go out somewhere for 4 or 5 days and then return. From there I went to Sadar Muniakka's house in Sarjapur.

x x x x

Read over and admitted to be correct.

Left Thumb mark of Venkataraya.

Sd. B.S.Ranoji Rao,
Magistrate. 30-8-18.

I believe this confession was voluntarily made. It was taken by me and was read over to Venkataraya who made it and admitted by him to be correct and it contains a full and true account of the statement made by him.

($igned) B. S. Ranoji Rao,
Personal Assistant and 1st
Class Magistrate.

"extract"

for District Magistrate

B

No. 451
Cr. M. 2

Ch. Secy's Enc = 3 & 2 records (8 fls)
NOV 1919

26

Chief Court of Mysore.

Bangalore,

Dated 14th November 1919.

18

DIARY No. 7999

1919-1920
SECTION Cr
FILE No. 115-19
SERIAL No. 2

From

THE REGISTRAR OF THE

CHIEF COURT OF MYSORE.

To

THE CHIEF SECRETARY TO THE GOVERNMENT, OF MYSORE.

~~GENERAL AND REVENUE DEPARTMENTS~~.

Bangalore.

Sir,

I am directed to forward a memorial addressed to His Highness the Maharaja by Venkataraju, 1st Venkataraya alias accused in Bangalore Sessions Case No. 12 of 1918-19 on the file of the Sessions Judge of Bangalore Division and appellant in Criminal ~~Appeal~~ Referred No. 1 of 1919-20 on the file of this Court.

The entire record of the case is herewith forwarded.

I have the honor to be,

Sir,

Your most obedient servant,

Registrar.

GPB—1,000—16-8-12

N.G.

Tr: 441

ನಿಮ್ಮ ಸೂಚನೆಯ ಪ್ರಕಾರ ಕೆಳಗಿನ ಅಭ್ಯರ್ಥಿಗಳನ್ನು ಸಹಾಯಕ ಶಿಕ್ಷಕರ ಹುದ್ದೆಗೆ ನೇಮಕ ಮಾಡಲು ಶಿಫಾರಸ್ಸು ಮಾಡಿದೆ.

ನಿಮ್ಮ ಸೂಚನೆಯಂತೆ ಮೇಲಿನ ಹುದ್ದೆಗೆ ನೇಮಕಾತಿ ಪ್ರಕ್ರಿಯೆ ಕೈಗೊಂಡಿದ್ದು, ಅಭ್ಯರ್ಥಿಗಳ ಆಯ್ಕೆಯನ್ನು ದಿನಾಂಕ 1-10-೨೦೧೯ ರಿಂದ 20.10.೨೦೧೯ ರವರೆಗೆ ನಡೆಸಲಾಗಿದೆ. ಆಯ್ಕೆಯಾದ ಅಭ್ಯರ್ಥಿಗಳ ಪಟ್ಟಿಯನ್ನು ಈ ಕಛೇರಿಯ ಸೂಚನಾ ಫಲಕದಲ್ಲಿ ಪ್ರಕಟಿಸಲಾಗಿದೆ. ಮತ್ತು ಅಭ್ಯರ್ಥಿಗಳಿಗೆ ಪತ್ರದ ಮೂಲಕ ತಿಳಿಸಲಾಗಿದೆ.

ಆಯ್ಕೆಯಾದ ಅಭ್ಯರ್ಥಿಗಳು ಸೇವಾ ನಿಯಮಾವಳಿಗಳಂತೆ ಸೂಕ್ತ ದಾಖಲೆಗಳೊಂದಿಗೆ ಹಾಜರಾಗಲು ತಿಳಿಸಲಾಗಿದೆ.

ಧನ್ಯವಾದಗಳು.

ತಮ್ಮ ವಿಶ್ವಾಸಿ,

ಆಯ್ಕೆಯಾದ ಅಭ್ಯರ್ಥಿಗಳ ಪಟ್ಟಿಯನ್ನು ಈ ಕಛೇರಿಯ ಸೂಚನಾ ಫಲಕದಲ್ಲಿ ಪ್ರಕಟಿಸಲಾಗಿದೆ. ಮತ್ತು ಅಭ್ಯರ್ಥಿಗಳಿಗೆ ಪತ್ರದ ಮೂಲಕ ತಿಳಿಸಲಾಗಿದೆ. ಆಯ್ಕೆಯಾದ ಅಭ್ಯರ್ಥಿಗಳು ಸೇವಾ ನಿಯಮಾವಳಿಗಳಂತೆ ಸೂಕ್ತ ದಾಖಲೆಗಳೊಂದಿಗೆ ಹಾಜರಾಗಲು ತಿಳಿಸಲಾಗಿದೆ.

ಧನ್ಯವಾದಗಳು.

ತಮ್ಮ ವಿಶ್ವಾಸಿ,

[illegible]

[illegible]

[illegible]

[illegible]

11/13.11/14

నా పేరు రాజేశ్వరరావు కొడుకు ముంతాజ్ అలీ సాకిన్ వయస్సు 30 సంవత్సరాలు కులం ముస్లిం మతం ముస్లిం వృత్తి వ్యవసాయం నివాసం రాజమండ్రి ఈ రోజు ఉదయం 10 గంటలకు నా భార్య రాజేశ్వరి 150/- రూపాయలు ఇచ్చి ఒక ఆడ పిల్లను కొనుక్కోమని చెప్పి పంపింది. ఆ పిల్లకు ఒక సంవత్సరం వయస్సు ఉంటుంది. ఆ పిల్ల పేరు ఏమిటో నాకు తెలియదు. ఆ పిల్లను నా భార్య ఎక్కడ కొన్నదో నాకు తెలియదు.

6 ఈ ఆంధ్ర భూములు ఎంతకాలం దాకా పండుతాయి అని నన్ను అడిగితే నేను చెప్పలేను. నాకు తెలిసినంత వరకు ఈ భూములు ఎప్పటికీ పండుతూనే ఉంటాయి. నన్ను ఎవరూ ఈ భూములు పండకుండా చేయమని చెప్పలేదు. నేను ఈ భూములు పండకుండా చేయను. ఈ భూములు పండకుండా చేయడం నాకు ఇష్టం లేదు.

తేది 13/11/19 ముంగటరాజు

Signed before me.

13.11.19

Superintendent

13/11/19 D.C. Jail.

IN THE CHIEF COURT OF MYSORE AT BANGALORE .

Thursday, the 23rd day of October 1919.

P R E S E N T

Mr. Justice K.S. Chandrasekhara Aiyar, Chief Judge,

and

Mr. Justice C.S. Doraswami Iyer.

Petition of Criminal Appeal No: 7 of 1919-20/Criminal Referred Case No: 1 of 1919-20 against the convictions and sentences by the Sessions Judge of Bangalore Division under sections 302 and 397 in the case of the 1st and 2nd accused and under sections 397 and 109 of the Indian Penal Code in the case of the 3rd accused in Bangalore Sessions Case No: 12 of 1918-19.

In Cr.A. 7 of 19-20.

Appellants.

1. Sadhu Venkata.
2. Thimma.

(Accused 2 & 3)

In Cr.Refd. C.1 of 19-20

1. Venkataraya.
2. Sadhu Venkata

(Accused 1 & 2)

J U D G M E N T.

The offences for which the accused persons have been tried in the court of session form parts of the same transaction, and rest generally upon the same set of facts

and

and the same evidence.

All the three accused were tried by jury on charges of robbery and the abetment thereof ; and at the same trial the first two were tried by the Sessions Judge, with the aid of the jurors as assessors, for the offence of murder.

The jury held unanimously that the first and second accused were guilty of robbery punishable under section 397 of the Indian Penal Code, and the third accused of abetment of the same description of robbery punishable under section 397. The Sessions Judge accepted this verdict, and sentenced all the accused persons to rigorous imprisonment for seven years each ; as regards the third accused, he added the observation that though he was a young boy and deserved a lighter punishment, section 397 gave the court no descretion in the matter. From the conviction and sentence as above, the second and third accused have preferred an appeal.

As regards the other offence charged, the assessors were of opinion that the first and second accused were guilty of murder punishable under section 302. The Sessions Judge, agreeing with this opinion, convicted them both accordingly, and sentenced each of them to death ; and he has submitted the records to this court for confirmation of sentence.

We shall consider first the reference made to this court for confirmation of the death sentence, as it relates to the more heinous of the offences tried and has necessitated a detailed examination of the evidence in the case.

Ummalavillage, Hosakoti Taluq

Sonnappa, his daughter Chinnatayi, and an old woman Muniakka residing in the same house, were found dead in their beds on the morning of Sunday the 7th July 1918 ; they had bled profusely and had injuries on their bodies pointing conclusively to external violence as the cause of death. There were no other persons present in the house at the time, Sonnappa's son and elder daughter (prosecution 24th and 25th witnesses) having left the previous day for another village and returning only on Sunday morning after receiving intimation of the murders. Suspicion fell at first on one Papanna (who had married the eldest daughter of Sonnappa) and his people; but beyond the fact that some misunderstandings existed as between these and Sonnappa, there was nothing else to justify the suspicion. On the other hand, the facts that two bamboos were found placed against the rear wall, that the wicker-work thatti of the gable had been pulled out, and that there was a ladder resting against the loft allowing of easy descent to the floor, together with the fact that a pit in the floor had been dug up and money buried therein removed, as well as a number of jewels kept in a dealwood box, strongly suggested that theft was the primary object of the offender or offenders, who must have entered the room through the opening made in the gable roof.

Questioned by the Police Superintendent (first prosecution witness), who investigated the case, as to any strangers that had come to the house, Chikka Muni (25th prosecution witness) furnished a description of a young man, who had come there three times within twenty days of the occurrence, twice by himself and another time accompanied by a boy. This together with information obtained in certain other

other

other murder cases is said to have put the police upon the track of the first accused, Venkataraya, who was arrested on the 15th August 1918, and of the third accused Thimma who was arrested on the 24th July along with his father the second accused Sadhu Venkata. The first accused is identified by Chikka Muni as the stranger, and the third accused as his boyish companion; and they have also been identified by other witnesses who had seen them. This portion of the evidence is, of course, by itself of little significance apart from evidence more directly connecting the accused persons with the occurrence.

Such other evidence is available in two important respects. There is, first, the sworn testimony of witnesses showing that certain of the properties missing from Sonnappa's house were found with the first and second accused or with persons to whom the said accused had given them, shortly after the murder, and that information leading to the discovery of some of these articles was furnished by the first and third accused.

Thus on information said to have been furnished by the third accused, an addike (article 4) was recovered from Appanna (prosecution 12th witness) on the 27th July, and a pair of Vole Jumkis (article 3) from Eerappa (prosecution 9th witness) on the 26th July. Eerappa swears that the Vole Jumkis were sold to him by the second accused for Rs. 34/-; his statement that this was about two months prior to the second accused's arrest cannot be correct, but it shows at any rate that the transaction must have been very shortly after the murder. The addike (article 4) was

taken

taken by the police from the pocket of one Appanna (a relation of 11th prosecution witness Kempi's paramour) under suspicious circumstances; this and article 23 look very much alike, and the statement of Kempi, that it was the latter article that she purchased from first accused and that the former belonged to her elder sister, seems (though supported by other witnesses) to be a falsehood purposely intended to cause confusion; it is also not without significance that the same witness had admitted receipt of other articles from the first accused. Again, the silver waist thread article No. 6 was produced by the 15th prosecution witness Talwar Muniga on the 30th July as having been left with him by the first accused as security for a silk hand kerchief lent by the witness. On information given by the first accused, articles 7 to 12 were on the 18th August traced to 16th prosecution witness arrack vendor Munisami, who deposes that a month previously the first accused had sold all of them to him for Rs. 5/-. All these properties have been satisfactorily identified by prosecution 24th and 25th witnesses as among those stolen.

(4) There is, next, a series of statements made by the first accused Venkataraya. The first, made on the 30th August 1918, six days after his arrest, before the Personal Assistant and First class Magistrate Mr. Ranoji-Rao, is a very detailed one and contains what appears on the face of it to be a full and frank account of a career of hardened crime. So far as the particular ~~xxxxxxxxx~~

occurrence

occurrence of the 6th July 1918 is concerned, Venkataraya states that he, the second accused Sadhu Venkata, the third accused Thimma and one Vyala went to Sonnappa's house in the night and sat in the hittal ; that he and the second accused got over the roof and observed through the thatti the old man taking out a pot from the floor, counting the rupees in it and replacing it in the ground ; that he (the first accused) got down at midnight into the thatched house from the roof through a ladder, and struck a match ; that he was then seized by Sonnappa to whom he dealt a blow with a hammer, as also to two females who had likewise seized him , that he took out the money buried under the floor, as also the contents of the box and gave the same to the second accused, and that they divided the properties among themselves. In this statement he implicates himself at least as fully as he does the second accused ; and has mentioned certain particulars which have been corroborated by other evidence, as for instance his previous visits to Sonnappa's house (though not the amorous advances alleged to have been made by his daughter) the removal of razor (apparently article 5) on one of these occasions and its gift to prosecution 21st witness ; the sale of jewels to 16th prosecution witness for Rs.5/- ; and the parting with a silver waist string to 15th prosecution witness in exchange for a silk handkerchief. The pointing out by the first accused of the hammer article 21, in a casurina shrub in which it was concealed, coupled with the fact that chemical examination showed the presence of mammalian blood in the stains on it, is a further circumstance that tends to afford corroboration to the same statement.

This statement was repudiated by the first accused before

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before the Committing Magistrate as not made voluntarily. But in the court of session he admitted his participation in the occurrence and gave an account of it nearly on the same lines as the earlier statement, with this important difference that he made the second accused take the principal part. According to this later account, the second accused it was that beat Sonnappa and the two women and kicked and gagged the girl Chickkatayi ; and it was at his instance again, that he (the 1st accused) delivered the articles 7 to 12 to 16th prosecution witness for Rs. 5/-. We may add that questioned in this court as to whether he had anything to say in addition to the full arguments of the learned Standing Counsel on his behalf, the first accused repeated in substance his later statement made at the sessions trial.

(6)

Seeing that the earlier and the later statements vary materially as to the part played by the second accused and having regard also to the fact that on the date of the earlier confession the first accused, had no apparent motive for minimising the real part taken by the second accused, we do not think it would be either right or safe to take into consideration as against the latter the later version where it differs from the earlier one. We are not also prepared to attach undue importance to the discovery of a blood stained sickle and coat (articles Nos: 1 and 2) in the house of the second accused on the 24th July 1918, in the absence of anything to connect them with the murder ; anything, that is to say, beyond the uncorroborated statement made by the first accused before the court of session as to the second accused having held them in his hand at the time.

At the same time it is clear that the second accused

was

was fairly intimate with the first accused, a circumstance not denied by him, besides being proved by (among others) the prosecution 13th, 22nd and 23rd witnesses ; his son the 3rd accused was seen in the company of the first accused on the last occasion that the latter visited Sonnappa's house ; and, what is more, it has been proved (and he does not deny it) that he sold the pair of vole jumkis (article 3) to prosecution 9th witness Eerappa very shortly after the murder. Taking these circumstances into consideration along with the earlier confession of the first accused which seems to us on the whole to be a more or less probable account of the facts as they took place,- we think that the second accused must have been a party to the contemplated theft; and that very probably he was also present when it was carried out. We do not, however, think it would be quite safe in the absence of direct or circumstantial evidence, and upon conjucture, however strong and plausible, to hold that the second accused either took part himself in murdering the deceased persons or abetted the first accused in doing so ; for there is also the other possible hypothesis that the acts of violence may have been committed by the first accused without reference to or the concurrence of the second accused, who, according to Exhibit P 13, was then seated on the roof. We prefer in the circumstances, though not without some hesitation, to give the second accused Sadhu Venkata the benefit of the doubt in so far as the charge of murder is concerned. We accordingly set aside his conviction by the Sessions Judge in respect of that offence as well as the sentence of death passed upon him.

The guilt of the first accused Venkataraya has been

been quite clearly established, and there are no extenuating circumstances of any kind in his favour. His confessional statements show that his career, comparatively short as it is, has been one of the hardened and reckless criminality, and that its prolongation would be a danger to society. We uphold his conviction for murder and confirm the sentence of death passed upon him.

There remains the appeal preferred by the second and third accused from their convictions for robbery. The verdict of the jury upon this point must of course prevail, in the absence of anything to show that it is an erroneous verdict either by reason of a misdirection by the judge or of a misunderstanding by the jury of the law as laid down by him. In one respect, and in one respect only, we think there has been a misdirection, and that is where the Sessions Judge laid it down that the third accused Thimma was, upon the facts explained in paragraph 17 of the charge, guilty of the abetment of robbery punishable under section 397 of the Indian Penal Code. That section provides an enhanced minimum punishment for an aggravated form of robbery where the offender uses a deadly weapon, or causes grievous hurt or attempts to cause death or grievous hurt to any person. It applies to the actual offender and not to one who abets the robbery but not the infliction of the particular act or acts of violence that aggravate it. Upon the facts put to the jury and accepted by them the 3rd accused cannot possibly be held to have abetted any act of violence. His conviction should have been merely for the abetment (under section 109) of the offence of robbery punishable under section 392. We alter the conviction accordingly, and direct, in lieu of

the

the sentence passed upon the third accused, that he be sentenced to rigorous imprisonment for three years. The conviction and sentence, so far as the second accused is concerned, must be upheld and the appeal dismissed.

(Sd) K. S. Chandrasekhara Aiyar,
Chief Judge.

(Sd) C.S. Doraswami Iyer,
Judge.

" C o p y "

Deputy Registrar.

S.R.

In the Court of Session, Bangalore Division.

Bangalore, Dated the 21st day of June @1919.

Present :- N. T. Gopaliengar Esq B.A., LL$ B.,
Sessons Judge.

Bangaloro Sessions Case No. 12 of 1918-19.

Complainant. Vs. Accused.

Government. 1. Venkatraya *Refused to appeal*
2. Sadhu Venkata
3. Thimma.

Offence :-

I. Against accused No.1

(1). Murder under three countsunder section 302 I.P.C. and abetment of murder of Chithayi under section 302/114 I.P.C.

(2). Robbery or abetment thereof using deadly weapons under sections 397 of 397/114, I.P.C.

II. Against the 2nd accused

(1). Murder or abetment thereof under three counts under secs: 302 or 302/114, I.P.C.

(2). Robbery or abetment thereof using deadly weapons under sections 397 or 397/114 I.P.C.

III. Against the 3rd accused

Abetment of *Robbery using deadly weapons under* Secns. 397/109 I.P.C.

Judgment.

The facts of the case are that on the morning of Sunday the 7th of July 1918 one Muiga found his wife Chinnathayi, her father Sonnappa, and an old man Muniakka dead and weltering in a pool of blood in their house at Ummalu village of the Hoskota Taluk. He raised an alarm and P.W.4 Yerrappa who heard it reported the matter to the Shanbhoug. The Shanbhoug, the Patel and the Vilagers

of Umalu arrived on the spot. The Patel found that the sons of the deceased Sonnappa were absent from the village and he sent for them from Sivarapatna an adjacent village where they were reported to have gone on the previous day. On the arrival of Munisami the elder of Sonnappa's two sons he and the villagers entered the house and saw what had happened the previous night and the Patel at once sent a report P.5 to the Mugubala Police of the occurrence. The Police Jamadar P.W.6 received the Patel's report at 7 P.M. on the 7th July and proceeded at once to the spot. Having arrived late in the night he went to the scene of the occurrence early on the 8th July morning and found the Patel's report true. He then got the three corpses removed outside the house [illegible] in order to hold an inquest but just then the Inspector of Police and the Amildar arrived there and they held the inquest themselves. The Sub Assistant Surgeon of Hoskote was also sent for and he held a post mortem examination of Sonnappa's corpse on the evening of Monday the 8th July and of the corpses of Chikkathayi and Munikka on the 9th morning. It was ascertained from the inquest and the Post mortem examinations that the three deceased persons were brutally murdered. The sons of Sonnappa and his daughter Chikmuni also reported the loss of some of their properties and cash from their house.

2. On the 10th July the Police Superintendent Mr. Hayes arrived on the spot and took up the investigation himself. In the course of investigation he was able to trace some of the stolen properties to the accused persons and he then charge sheeted them before the Bangalore Sub Division Magistrate on the 31st August last. The Special First Class Magistrate of Bangalore to whose file the case was transferred held a preliminary enquiry and committed the three accused persons to take their trial before this court for the offences of murder and robbery under sections 302 and 397 and abetment of robbery under sections 397/107 I.P.C. so far as the 3rd accused was concerned.

3. Charges of abetment of murder and robbery under sections 302/114 and 397/114 respectively against the first and second accused

were added in this court before the accused were called upon to state their pleas.

4. The 1st accused who had been convicted by this court in another case of murder refused to plead to the charges against him and he also applied to the Chief Court for a transfer of this case. His application for transfer was however rejected by the Chief Court in Criminal Revision Petition No.27 of 18-19 and the trial of the case was thereafter proceeded with. The 1st accused again refused to state his pleas but during the course of the trial he cross-examined some of the prosecution witnesses himself though the Standing Counsel had been instructed to defend all the three accused persons, and when called upon to enter upon his defence the 1st accused made a lengthy statement practically admitting his guilt.

5. The offence of murder with which the accused stand charged had to be tried with the aid of assessors and of robbery with a Jury. The same set of seven gentlemen have been treated as assessors and jury-men. I have separately charged the jury on the evidence regarding roobery under section 397 and the abetment thereof under sections 397-114 and 109. I propose to deal with the evidence relating to the offence of murder in this judgment referring to the evidence concerning robbery now and then as it furnishes the motive for the murders.

6. I have analysed the evidence in the case in some detail in my charge to the jury. It is clear that the original intention of the accused 1 and 2 was to commit robbery in the house of Sonnappa. They went armed and prepared for any contingency. In his first confessional statement P.17 the first accused stated that he went armed with a hammer article No.21 and that he struck Sonnappa and the two women Chinna Thayi and Muniakka with it. Again in his statement before this court the 1st accused stated that the 2nd accused went armed with a short sickle article No.1. The 2nd accused admitted in his statement before the Committing Magistrate that art. Nos. 1 and 2 were found in his house at a search made by the Police. This is also borne out by the evidence of P.W.1 and P.W.8.

7. According to the 1st accused he was let down into the house by the 2nd accused who stood on the roof. The 1st accused attempted to light a lamp but stumbled against a pile of earthen pots. Perhaps the noise caused thereby awoke Sonnappa and he caught hold of the thief. There was no time to lose. The 2nd accused jumped into the room and struck the deceased Sonnappa so violently that he began to bleed profusely. I am not prepared to say that the 1st accused stood by till the 2nd accused despatched all the three inmates of the house. In his struggle to extricate himself the 1st accused must have struck blows with the hammer he had with him. In the scuffle like the one described by the 1st accused it is impossible to expect which of the assailants struck whom and which of them gave the fatal blow to each of the deceased person. It seems to me probable that both the accused must have dealt violent blows and brought about the end of the three persons. I am disposed to believe that it was the 2nd accused who gagged Chinna Thayi with her own sadi reaching deep into her throat and caused her death by asphyxia.

8. The Post Mortem certificates P.9, P.9.A, and B, read with the evidence of the Sub Asst. Surgeon, exhibit P.8 clearly convinces any one that Sonnappa and the two women came to an unnatural end by the violence of the robbers who attacked them with a sharp and also with a blunt instrument. The Sub Asst. Surgeon was of opinion that the injuries found on the corpses could have been caused by the knife, art: No.1 or the hammer art: No.21. Mammalian blood was found on both of them by the Chemical Examiner vide Exts.P.3 and 4. The 2nd accused who had article No.1 in his house stated that a fowl had been killed with it and that the blood stain was caused by its blood. But the blood of a fowl is not mammalian blood and the statement of the 2nd accused/palpably false.

9. I feel convinced that the accused 1 and 2 were the robbers who entered Sonnappa's house and committed the robbery. The assessors who were also the jury men were unanimously of the same opinion. The conclusion therefore that they were the only persons who could

have murdered the three persons is irresistible. They must have killed them before they had an opportunity to raise any alarm.

10. It appears at the outset that the statement of the 1st accused made before Mr. Ranga Rao is different from his final statement made before this court. On a careful perusal of both the statements it is clear that the 1st accused has implicated himself as much as he implicated the 2nd accused. There is only one difference between the two statements namely that in P.13 he admitted having struck each of the three deceased persons, whereas he said before this court that the 2nd accused struck them. Nevertheless each of the accused is as guilty as the other by reason of the murders having been committed by one of them in presence of the other. As I have already said that was not the occasion for either of them to watch who struck the fatal blows. Nor has the 1st accused stated here that he altogether abstained from striking the inmates of the house. I am satisfied therefore that I can safely rely upon the statements of the 1st accused regarding the murder of Sonnappa and the two women.

11. It is in evidence that the accused 1 and 2 were chums and I am not in the least surprised that they started a campaign of robbery and murder. The 1st accused looked to be a thoughtless and reckless criminal while the 2nd accused was a hardened one, who had studied much of the wicked life of the world. It was a curious sight to see him raise his eyes and hands as if in prayer whenever I looked towards him on each of the days of trial. I have no hesitation in holding both the accused are guilty of murder and robbery.

12. The seven assessors were of the same opinion. Agreeing with them I find the accused guilty of murder under section 302 I.P.C. and sentence each of them Venkatraya and Sadhu Venkata to death and direct that each of them be hanged by the neck till he is dead.

13. The accused are informed that they have seven days to appeal against the conviction and sentence of this court.

14. Articles 3 4 and 7 to 12 shall be delivered to the sons of the

deceased Sonnappa Munisami and Nanjunda. Article No.2 may be destroyed. Articles 1, 21 and 22 will be returned to the Police as they may be required by them for other cases. Articles 23 to 27 may be delivered to the Police as they seem to be connected with some other case. Article 5 is not connected with the case and may be disposed of by the District Magistrate. The other articles also may be sent to the District Magistrate for such disposal as he may deem proper.

Pronounced in open court.

Bangalore,
21st June 1919.

(Signed) N.T.Gopaliengar
Sessions Judge.

The record will be submitted to the Chief Court for confirmation of the sentence of death passed on the accused.

(Signed) N.T.Gopaliengar
Sessions Judge.

21st June 1919.

The Charge to the Jury.

Gentlemen,

I have read out to you the sections of the Indian Penal Code under which the three accused stand charged and have explained to you the Law. I have also related the facts which led up to the present prosecution.

2. You have heard the evidence in detail with great patience and watched the accused in the dock. You have also heard the arguments of the learned Advocates on both sides analysing the evidence on the record. I will first mention to you the salient points in the case which you have to consider and return your verdict so far as the offence of robbery and the abetment thereof are concerned. I will in the end sum up the evidence regarding the offence of murder and take you individual opinion seperately.

3. To start with there is no evidence to shew that all the three accused were found in the house of the deceased Sonnappa on the night of the 6th July last. Munisami and Nanjunda sons of Sonnappa left their village on the 6th July Saturday noon to Sivarpatna or Sivarpalya. On the evening of the same day Chickmuni P.W.25 with her son Nanja and her niece Thimmi left for another village Bannhalli to hear a story of Soni (Saturn) read out there. The only members of the family that remained at home were Sonnappa his youngest daughter Chinna Thayi and an old woman Muniakka. It is these three persons that were found dead on the following morning. There was no clue as to who committed the foul deed. The suspicions of the sons of Sonnappa and his daughter ChickMuni were first aroused against their brother-in-law Papanna and his brothers as they had some serious family quarrels with the deceased man relating to the clandestine marriage of Papanna's daughter Thimmi with Sonnappa's second son Nanjunda against the wishes of the girl's parents. The Police after a careful enquiry discarded the theory started by Sonnappa's children and questioned them if any strangers had visited their house prior to the date of the occurrence. It was only on the 18th or 19th July

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July 1918 that Chick Muni recollected the fact that a somewhat tall, lean, young man had paid three visits to her father's house and that on the occasion of the second visit he was accompanied by a boy. She gave ~~C.S.~~ the detailed description of him and the dress he wore. Her brother Munisami corroborated his sister's statement regarding the stranger as he had seen and spoken to him once.

4. Munisami and Chick Muni were taken by the Police so that they might identify the strangers if found. Both of them identified the 3rd accused as the boy who had accompanied the stranger. The Police Superintendent then got a printed notice Ext. P.2 giving a description of the stranger as he gathered it, circulated to all the Police stations in the Bangalore and Kolar Districts as also in the Hosur Taluk. On the information furnished by the 3rd accused articles 3 and 4 were recovered by the Police. He and his father the 2nd accused were placed under arrest on the 24th July. The 1st accused was also spotted and arrested by Police Constable Munisami P.W.18. ~~on~~ on the 14th August under circumstances which I am sure you will consider very plucky. The stolen properties relating to this case were recovered one by one but no cash at all.

5. You will agree with me that this daring robbery could not have been committed single handed. You have to gather from the surrounding circumstances as to who conspired to commit the offence. The 3rd accused has pleaded complete ignorance in the case. The 2nd accused though he pleaded not guilty has made certain statements before the Committing Magistrate which lead us to the inference that he is not a complete stranger to the deed. You have then to consider the confessional statement made by the 1st accused before ~~the~~ 1st class Magistrate Mr. Ranoji Rao. This confession was no doubt retracted by the 1st accused before the Committing Magistrate on the ground that he was compelled to make such a statement by Police torture and while under the influence of liquor administered to him by the Police. Even in this last statement ~~C.S.~~ P.12 the 1st accused claimed some of the stolen properties as his own and at the same time denied all knowledge of articles 4, 5, 7 to 12.

6. You are aware how the 1st accused refused to plead to the charges read out to him in court and you have also watched with what spirit he cross examined some of the prosecution witnesses. You have listened with much patience to the 1st accused's lengthy statement made when he was called upon to enter upon his defence. He made a clean breast of his misdeeds and practically admitted his guilt. In doing so he has implicated the 2nd and 3rd accused as much as he did himself and the absconding accused "Vegala" otherwise called Velayudam. The 1st accused has told you how the 2nd accused and he entered into the house of the deceased Sonnappa through an opening in a ~~cocoo~~ gaole thatti on the roof of the house and how suddenly the inmates of the house awoke and attacked the 1st accused. After murdering the inmates the 1st accused has related how the earthen pot containing cash amounting to Rs.880/- was dug out and removed from the ground by the joint efforts of the 2nd accused and himself and how again a bundle containing jewels was removed and carried away from the box in the house of Sonnappa.

7. The 1st accused related how after division of the stolen cash there was a dispute between the 2nd accused and himself regarding the jewels which were tied up in a cloth bundle and the manner in which that dispute was to be settled later on. The 1st accused admitted having taken articles 7 to 12 from the 2nd accused and having left them with P.W.16 Munisami from whom he received according to his own version Rs.3/8 and arrack for the like value. These statements gentlemen are corroborated by P.W.16 and are sufficient to enable you to return a verdict as to whether the 1st accused is or is not guilty of robbery under section 397 of the I. P. Code.

8. The prosecution witnesses 11, 12 and 27 to 29 have tried to cast a shadow of doubt on the identity of articles 4 and 23 which are two addikes recovered by the Police from P.W.13 Appanna. It was sought to be made out that art: 4 belonged to P.Ws.28 and 29 and that article No.23 a comparatively new jewel was pledged with P.W. 29 Lakshmia by P.W.11 and P.W.27. There is nothing

documentary to shew that the pledge was true or that P.W.29 had the capacity to lemd Rs.200/- to P.W.27 Hanumanthappa. The statements of the above set of witnesses are confused and contradictory. On the other hand P.W.13 Nanjakka deposed that in a theft in her house she lost an addike among other jewels and she did identify art: No.23 as her own. She did so on the 19th August last in presence of P.W.14 Alasingrachar Inspector of Chintamani to whom she complained of theft in her house immediately after its occurrence. Article No.4 addike was identified by P.Ws.24 and 25 as their property soon after that jewel was traced and you will please consider which of the witnesses should be believed.

9. We are not concerned with the theft of art: No.5 razor as admittedly it could not have been stolen on the night of the occurrence. Article No.6 is a silver waist thread which the 1st accused claimed as his own but which Chickmuni P.W.25 claimed as her father's property. This article is of such common occurrencethat it is difficult to identify. But the fact that the 1st accused so easily parted with it in exchange of a silk handkerchief art: No.20 in favour of P.W.15 Talwar Muniga renders it difficult to believe that it belonged to the 1st accused.

10. Of the other articles now before the court article 17 amritanjan capsule and article No.19 a red handkerchief with white spots thereon were respectively recovered by P.W.18 Munisami when he arrested the 1st accused and by P.W.20 Maranna from a well. Articles 13,14,15 16 and 18 admittedly belonged to the 1st accused or were in his possession and are not included among the stolen properties. I have thus summarised the evidence so far as the 1st accused is concerned.

11. I will now deal with the evidence regarding the 2nd and 3rd accused so far as they are concerned in the robbery. The 1st accused has informed the court how when he told the 2nd accused about the reception he met with in Sonnappa's house on the 1st occasion the latter was tempted to ask him to visit that house again with the 3rd accused and to try to find out more about the properties owned by the family. The 1st accused admitted having paid a

visit with the 3rd accused and on this point he was corroborated by P.Ws. 24 and 25. Chickmuni also corroborated the statement of the 1st accused regarding his third visit to Sonnappa's house. You will therefore see whether the 1st accused should not be believed on this point that the curiosity of the 2nd accused was excited to such a degree as to send his son, the 3rd accused, with the 1st accused to know further particulars of the affairs of Sonnappa's family.

12. On the night of the occurrence the 1st accused has described in detail before this court, as he did in his first confession, how the robbers met in the hittal of Sonnappa's house early in the night when they heard the digging noise in the house, how the second accused and he scaled the wall from the rear and watched Sonnappa removing and replacing the earthen pot with the money in it and how after midnight he was let down into the house first and how subsequently the second accused jumped down. Gentlemen these are facts which cannot be known to any person outside the conspirators and you will tell me whether the 1st accused should not be believed as also on the point that the 3rd accused and Vyalu were left to watch the house in the front and in the rear. When once you find that the 3rd accused was within the house at the time of the commission of the robbery there can be no doubt about his guilt.

13. It is in evidence that on the information furnished by the 3rd accused art: No.3 vele junki was recovered from P.W.9 Kerappa. This witness has told the court that it was the 2nd accused that sold to him art: No.3 for Rs.34/- and that the price was paid by him in two instalments. There is some discrepancy as to whom Kerappa paid Rs.14 on the second occasion. Evidently the witness was under some confusion. If you should consider the statement made by the 2nd accused before the Committing Magistrate you will notice that the sale of art: No.3 to Kerappa is true and that the 2nd accused wanted to make it appear that the 1st accused and not he sold it to him. You will please consider how far 2nd accused's statement can be accepted and what motive P.W.9 could have had in saying that he purchased art: No.3 from 2nd accused were it not true.

14. The 1st accused has stated before this court that no gold jewel ever fell to his share at the division of the booty but this does not seem to be wholly true. For we have in evidence that article No.4 was sold by the 1st accused and the only other valuable gold jewel No.3 must have fallen to the 2nd accused's share and disposed of by him.

15. The 2nd accused wanted the court to believe that he could not have gone out to rob in Sonnappa's house on 6th July Saturday night as he was engaged in hearing Sanikatha read out on that ~~day~~ night. But the reader of that Sanikatha Dweep Singh P.W.23 and the witnesses one and two for the defence were unable to fix exactly the Saturday on which the story was read. Even the 1st accused admitted that Sanikatha was read in the 2nd accused's house but he dated it one week before the date of the occurrence though the date he mentioned was incorrect. You will therefore consider whether the defence of alibi set up by the 2nd accused can be accepted at all.

16. I have already referred to the disputes which arose between the accused one and two on the Monday following the date of the occurrence. This quarrel was spoken to by P.W.23 Dweep Singh and he stated that the 1st accused quarrelled on the ground that the 2nd accused robbed him of his money when they were on their way to Chintamani. The 2nd accused was said to have denied the charge made by the 1st accused against him. The witness said that the parties (accused 1 and 2) were left to settle their own disputes. The date of this quarrel could with definiteness be fixed by a reference to Ext. P.C which is the report of Marsandahally Patel made to the Police on the 11th July 1918 that is about five days after the date of the occurrence. It is evident from this that accused fell out after the robbery was committed in the house of Sonnappa.

17. I have done with the 2nd accused and will pass on to the 3rd accused's complicity in the robbery. I am sure you will consider the statement of the 1st accused regarding this boy's part. He did go with the 1st accused to take note of Sonnappa's household affairs. He did keep watch over the house when his father the 2nd accused and

the 1st accused were engaged within in committing the robbery. He was aware at the outset that his father and the 1st accused were intending theft in the house of Sonnappa. He also furnished the information as to how articles 3 and 4 had been disposed of. Such he is an abettor though he took a very insignificant part. I leave it to you to say whether he is guilty of having abetted the robbery.

18. Gentlemen in considering the evidence in the case you will have to weigh the value to be attached to the confessional statements of the 1st accused. Those statements are not wholly irrelevant but you should accept them with caution and consider how far you can place your reliance on them in considering the guilt or innocence of the 2nd and 3rd accused.

19. I now request you to consider your verdict with this circumstance that at the time of the commission of the robbery three persons were brutally murdered with some deadly weapon or other.

20. After retiring for a few minutes the foreman of the jury reports that all the jurors are unanimous in holding that the accused 1 and 2 are guilty of robbery under section 397 and that the 3rd accused is guilty of abetment thereof under sections 397 and 109. I accept the unanimous verdict of the Jurymen and sentence all the three accused persons to rigorous imprisonment for seven years each.

21. The 3rd accused is a young boy and deserved a lighter punishment which I have no discretion to award under section 397 Indian Penal Code.

Pronounced in open court.

Bangalore,
21st June 1919.

Sd/- N.T.Gopalengar
Sessions Judge.

SESSIONS COURT * BANGALORE *

Copy
N. Gopalengar
Sessions Judge
Bangalore Dn

In the court of Session, Bangalore Division.

Bangalore Sessions Case No. 12 of 18-19.

Complainant.	Vs.	Accused.
Government.		1. Venkatraya
		2. Sadhu Venkata
		3. Thimma

Appendix to Judgment.

The following witnesses were examined for the Prosecution :-

1. Mr. A. Hayes (Police Superintendent)
2. Govinda
3. Narayani
4. Yerrappa
5. Ganteppa
6. Abdul Samath (Police Sub Inspector)
7. Mr. Seshagiri Rao (Amildar)
8. Lakshminarasimhiah (Sub Inspector, C.I.D.)
9. Earappa
10. Appajee
11. Kempi
12. Appianna
13. Nanjakka
14. Mr. Alasingrachar (Police Inspector)
15. Talwar Muniga
16. Korawar Munisami
17. Adinarayanappa
18. Munisami
19. Dasappa
20. Maranna
21. Hajam Venkata
22. Babanna
23. Dreespsingh
24. Munisamy
25. Chick Muni
26. Kari Sidda

27. Hanumanthappa

28. Kempakka

29. Lakshmaiah

2. The under mentioned exhibits were filed on behalf of the Prosecution :-

P.1 Sketch

P.2 Printed descriptive roll of the 1st accused.

P.3 Chemical Examiner's certificate re sickle and coat. (Articles 1 and 2)

P.4 Certified copy of Chemical Examiner's certificate re hammer and crow-bar (articles 21 and 22).

P.5 Report dated 7-7-18 of the Patel of Ummalu Village.

P.6 Varsandahalli Patel's report dated 11-7-18 and 2nd accused's statement recorded by the Sub Inspector complaining against 1st accused (described as Venkatasami).

P.7 Statement of Munisami(P.W.24) before the Police Inspector on 30-7-18

P.8 Deposition of Mr. Abdul Sattar (Sub Asst: Surgeon) before the Committing Magistrate.

P.9 Post Morten report dated 8-7-18 held on the body of Sonnappa.

P.9(a) ------do------dated 9-7-18 on [illegible] Chick thayi.

P.9(b) ------do------do-------- on Muniakka.

P.10 Deposition of Narain Rao Police Inspector before the Committing Magistrate.

P.11 Deposition of Muniga (P.W.9) before the Committing Magistrate.

P.12 Statement of the accused before the Committing Magistrate.

P.13 Certified copy of the confessional statement of the 1st accused before Mr. Ranoji Rao.

P.14 Statement of the 2nd accused before the Committing Magistrate.

P. 15 Statement of the 3rd accused before ----do------

3. The following articles were marked in the case :-

1. Knife.

Shirt.

2. Gold Vole Jumki.

4. Addike.

5. Country razor.

6. Silver waist thread.

7. Silver Jade Bille.
8. Silver gejje.
9. Silver waist thread (small).

9.10. Pillies one pair (ಪಿಲ್ಲಿಗಳು)

11. Bandi (ಬಂಡಿ)

12. Piece of Saralu (ಸೀರಲು)

13. Coat.

14. Laced Panche.

15. Lavangada Huva (ಲವಂಗದ ಹೂವು) (pair)

16. Five rupees

17. Amrutanjan case.

18. Green turban.

19. Red hand kerchief with white lines.

20. Silk kerchief.

21. Small hammer.

4. The following witnesses were examined for the defence :-

1. Bapu Singh.

2. Veerabhadrappa.

5. The following exhibits were filed for the defence :-

D.1 Portion of deposition of Alasingeranar as P.W.55 before the Committing Magistrate.

D.2 Portion of deposition of Hajam Venkata before the Committing Magistrate as P.W.13.

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G. R S. VI—S-III/33]

DRAFT.

SUBJECT.....

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Section. Cf.
File No.
Serial No.

No. 15952 me + Records

To

The Registrar of the Chief Court of Mysore.

Diary No. of letter replied to 7990

GENERAL AND REVENUE SECRETARIAT,

( )

, the .....*191* .

Date of issue 13/1

Signed by M Rm

SIR,

I am directed to forward herewith for information of the Judges of the Chief Court and for communication to the prisoner..... Venkatarangappa alias Venkatarayappa ..... undergoing sentence of death ..... in the Central Jail, Bangalore copy of order passed by H. H. the Maharaja of Mysore, on the prisoner's memorial praying for the remission of Sentence of death passed on him.

2. The entire records received with your letter No. 451 Cr. pro. 2 dated 14/18th Nov 1919 are herewith returned.

I have, etc.,

P. M. C/1 Rm
For Chief Secretary.

6/1/1920

Ch. 115-19-9

Immediate

D. O.
No 45

Office of the Government Advocate
in Mysore,
Bangalore, 26th January 1920.

Dear Mr. Balasundaram Iyer,

In pursuance of the order of Government No. G 16383-5/Cts. 115-19-3, dated the 17th January 1920, asking me to move the Chief Court for the transfer of the two Criminal Cases referred to therein, I filed applications for the transfer of the said cases to the file of some First Class Magistrate in Bangalore and secured an ad interim order for the stay of execution of the sentence of Death passed on the other accused Venkataraya.

The applications came on for hearing today. The Court has passed orders cancelling the order for stay of execution of the capital sentence holding that it has no power to do so. From enquiries made, I learn that the prisoner in question

is

is to be executed to-morrow and should this come to pass, the object that we have in view would be frustrated.

I would, therefore, request you, in case -- Government is particular about securing the condemned prisoner's presence at the trial of his co-accused - in the two cases under reference, to immediately arrange to have the sentence suspended under the authority vested in Government, under section 401 of the - Code of Criminal Procedure. Otherwise, the said Venkata Raya will be executed to-morrow and the applications will ~~have to~~ be dismissed.

Yours sincerely,

Government Advocate.

C. S. Balasundaram Iyer Esq., B. A.,
Chief Secretary to Government.

G. R. S. VI—G/32]

SUBJECT..... (60)

.....

.....

Diary No. of letter replied to.....

GENERAL AND REVENUE SECRETARIAT

( )

, the 191 .

Date of issue..... 26/1

Signed by..... M. C. B. J.

Section C6

File No. 115-19

Serial No. ~~15~~ 11

No. 517201

D. O.

To

The Government Advocate in Mysore

~~Sir~~, Dear Sir,

With reference to your D. O. No. 45 J. 26th Jan. 1920 stating that the Chief Court have passed orders Cancelling the order for Stay of execution of the Capital Sentence passed on Venkataraya and requesting Government orders to have the execution of the Sentence suspended under S. 401 of the Code of Criminal Procedure in case the ~~prisoner is required for transmission~~

P. T. over.

6

in C.C. nos 66 of 17-18 & 68 of 19

on ~~the file of the Asst Commissioner~~ & 1st Class ~~Magistrate~~ the G.O. no 4 (1) 383-5 & 17-1-1920 has to be given effect to, I am directed to state that Government are not pleased to ~~pass the~~ direct the ~~post~~ postponement of the execution of his sentence, since it is considered that his evidence is not necessary in the case.

I have &c.

D.M.
Ne/1 ~~Sd~~ Chief Secy.

in case the prisoners presence is considered necessary at the trial of his co-accused in the two cases referred to in the G.O. of 17.1.1920

I am directed to state that Govt do not consider it desirable to suspend the sentence passed on the prisoner.

I am to suggest that in the event the application to transfer of the cases might be withdrawn.

List of enclosures.

Yours &c

Sd
26/1/20

Copied by

Examined by

W D86—GPB—60,000—15-11-16

G. R. S. VI—G/32]

SUBJECT..... 6.2

.....

.....

Diary No. of letter replied to.....1355.....

GENERAL AND REVENUE SECRETARIAT

( )

, *the* 191 .

Date of issue.....2/2.....

Signed by.....

Section Ch

File No. 115-19

Serial No. 12.

No. G 1771

To

The District Magistrate,

Kolar District

Sir,

With reference to the Correspondence ending with your letter no. R.J.C. 729/18-19 of 17th Jan' 1920 re: the transfer of Criminal Case nos. 66 of 17-18 & 68 of 18-19 from the file of the first-Class Magistrate of Chikballapur & Kolar respectively, I am directed to state that Government do not consider this transfer necessary ~~See any necessity for having them transferred to Bangalore for his better~~

P.T. over.

Papers under disposal in the Collection linked to this.

9/2

DIARY No. 14501.

No. 250
Enc. 1 Order

Office of the Government Advocate in Mysore
Bangalore, dated the 4th February 1920.

2.34?

From

The Government Advocate in Mysore,

Bangalore.

To

The Chief Secretary to the Government of
His Highness the Maharaja of Mysore, Bangalore.

Sir,

With reference to correspondence ending with your D. O. No. G 17201/Cts. 115-19-10, dated the 26th January 1920, I have the honor to forward herewith for information, a copy of the final order passed by the Chief Court, rejecting the applications filed by me for the transfer of Criminal Cases Nos. 66 of 1917-18 and 68 of 1918-19, on the files of the First Class Magistrates of Chikballapur and Kolar Sub Divisions respectively, as directed in Government Order No. G 16383-5/Cts. 115-19-3, dated the 17th January 1920.

I have the honor to be,

Sir,

Your most obedient servant,

Government Advocate.

65

IN THE CHIEF COURT OF MYSORE AT BANGALORE.

Wednesday, the 28th day of January 1920..

P R E S E N T.

HON'BLE MR. JUSTICE K. S. CHANDRASEKHARA AIYAR, CHIEF JUDGE

a n d

Mr. Justice R. B. P L U M E R.

Criminal Petitions Nos. 48 & 49 of 1919-20

In Crl:Petn: No.48/19-20:-

The Government of Mysore..... Complainant..... Petitioner.
(By Mr. K. Shankaranarayana Rao, Government Advocate for Government).

VS.

1. Venkataraya, at present a convict under sentence of death in the Central Jail, Bangalore.
2. Velayudham, and
3. Sadhu Venkata.

Accused 1, 2 and 3. ..... Opponents.

(Absent and unrepresented).

In Crl: Petn. No.49/19-20:-

The Government of Mysore.....Complainant..... Petitioner.
(By Mr. K. Shankaranarayana Rao, Government Advocate for Government).

VS.

1. Venkataraya, at present a convict under sentence of death in the Central Jail, Bangalore.
2. Patre Rama, and
3. Akkayya.

Accused 1, 2 and 3. ..... Opponents.

(Absent and unrepresented)

Petitions

66

Petitions praying for the transfer of Criminal Case No.68 of 1918-19 on the file of the Assistant Commissioner and First class Magistrate of Kolar Sub Division and Criminal Case No. 66 of 1917-18 on the file of the Assistant Commissioner and First class Magistrate of Chikballapur Sub Division to the file of any court in Bangalore having jurisdiction to hold the inquiry.

These petitions coming on for orders this day, the Court pronounced the following :-

O R D E R

The Government Advocate states that the Government have declined to suspend the execution of the sentence of death on the prisoner Venkataraya; and accordingly, having regard also to our interim order of the 26th instant, he does not wish to press the applications for transfer. These applications are in the circumstances rejected.

Sd/- K.S. Chandrasekhara Aiyar

Chief Judge.

Sd/- R. B. Plumer,

J U D G E.

" C O P Y "

Srinivasa Jr

Registrar.

AV.